

STATE'S WITNESS - TODD THAYER - (DIRECT)

1 TODD THAYER

2 called on behalf of the State, having been first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. WILLIAMS:

6 Q Please introduce yourself to the jury?

7 A Todd S. Thayer.

8 Q And what's your occupation?

9 A Currently a sergeant with the Elkhart Police
10 Department.

11 Q How long have you been a sergeant with the Elkhart
12 Police Department.

13 A About seven months.

14 Q Now, what's your current, I guess, job duties as a
15 sergeant?

16 A I'm a shift-level supervisor for the midnight
17 shift, which is from 11:00 p.m. to 7:00 a.m.

18 Q I want to take you back to November 28, 2002. Were
19 you a sergeant -- or, I guess, what was your
20 position back then?

21 A I was a detective at that time.

22 Q Were you with any specific part of the police
23 department?

24 A Yes. At that time, I was involved in the homicide
25 investigation.

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1 Q Now, were you involved in the investigation of
2 Helen Sailor's murder?

3 A Yes, I was.

4 Q And when were you involved in this investigation?

5 A Right at the initial onset. I was called directly
6 to the scene once her body had been discovered.

7 Q At some point during your investigation, did you
8 interview residents at the Waterfall Highrise
9 complex?

10 A Yes.

11 Q And during that time, did you have some contact
12 with a person by the name of Lana Canen?

13 A Yes, I did.

14 Q Do you see Lana Canen in the courtroom today?

15 A Yes, I do.

16 Q Would you point where she's seated and what she's
17 wearing?

18 A She's a white female with long hair with the
19 multicolour blue and yellow top there.

20 MR. WILLIAMS: Your Honor, may the record
21 reflect that the witness has identified the defendant
22 Lana Canen.

23 THE COURT: The record will so reflect.

24 BY MR. WILLIAMS:

25 Q Your contact with Ms. Canen, was that in the

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1 initial investigation in the initial part of it?

2 A Yes.

3 Q Where did you make contact with her?

4 A In her apartment.

5 Q Now, describe that contact with her when you came
6 into contact with her at her apartment?

7 A One of our normal procedures on a homicide
8 investigation what we would call a neighborhood
9 canvas. If it was a residential area like a house,
10 we would knock on your door and talk to people if
11 maybe they had potentially seen something. Since
12 it was apartment complex, we were going to each
13 door and each apartment to speak with the
14 residences to see if they might possibly have seen
15 anything that would help our session investigation.

16 Q And did you do that with respect to Lana Canen's
17 apartment?

18 A Yes.

19 Q Describe how you came into contact with Ms. Canen?

20 A Well, we attempted to contact her several times,
21 left a business card on her door over the past
22 couple of days during the initial part of the
23 investigation. We had not received a call from
24 her, or I had not received a call from her or had
25 not spoke to her so we were at the Highrise when we

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1 were told by some other residences that she was
2 present at the apartment in her apartment. So at
3 that time, Detective Christian and I proceeded up
4 to her apartment in an attempt to contact her.

5 Q What did you do once you got to her apartment?

6 A We knocked on her door for several minutes. We
7 could see that there was somebody inside. I could
8 see light moving and shadows underneath the door as
9 if somebody was standing on the other side of the
10 door; however, Ms. Canen wouldn't answer the door.

11 Q What did you do?

12 A Well, at that time since we already had one
13 homicide I felt that there might possibly be
14 something wrong with her. Maybe she couldn't
15 speak, she couldn't answer the door. So at that
16 time I called for maintenance, and a maintenance
17 person came with the key. We were able to unlock
18 the door. Once we unlocked the door, we noticed
19 that the chain was engaged. The chain lock was
20 engaged on the door. Once we started to open it,
21 Lana spoke up that she was coming to the door.

22 Q Did she come to the door?

23 A Yes, she did.

24 Q Did she indicated where she had been?

25 A She stated that she was asleep on the sofa which

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1 was just a couple feet from the door.

2 Q Now, when she came to the door, did you ask her any
3 questions?

4 A Yes.

5 Q What did you ask her?

6 A Just asked her if he was aware that a homicide had
7 taken place in the highrise. She stated that she
8 knew there had been a homicide. I asked her if she
9 was familiar with Lana -- or excuse -- Mrs. Sailor,
10 the victim. She says she knew her and had contact
11 with her in the past.

12 Q Did you ask her where she had been at the time of
13 the murder?

14 A Yes, I did.

15 Q What did she say?

16 A She stated that she was out of town visiting
17 friends and family over the Thanksgiving holiday.

18 MR. ZOOK: Your Honor, may we approach.

19 THE COURT: You may.

20 (An off-the-record discussion was held
21 at the bench.)

22 THE COURT: Ladies and gentlemen, we're going
23 to give you a recess. You're all jurors in this case. I
24 must tell you now and I will repeat this again each time
25 you are permitted to separate.